

REMARKS

This Amendment is submitted in response to the Office Action dated January 15, 2004, having a shortened statutory period set to expire April 15, 2004.

Applicant thanks the Examiner for the courtesy of a telephone conference on April 8, 2004. As the Examiner may recall, Applicant requested clarification as to whether the present Office Action was non-final. The Examiner stated that the present Office Action is non-final, and Applicant thanks the Examiner for his clarification on April 8, 2003 to the effect that the present Office Action was non-final.

Claim Rejections Under 35 U.S.C. § 103(a)

At paragraph 7 of the present Office Action, the Examiner has rejected Claims 1-7 and Claims 13-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,202,171 to Townsley *et al.* (*Townsley*) in view of U.S. Patent No. 5,784,626 to Odaohara (*Odaohara*). Applicant respectfully submits that Claim 1 is not rendered unpatentable by the combination of *Odaohara* and *Townsley*, and Applicant most respectfully traverses the Examiner's rejections in view of the arguments and amendments submitted herein.

In rejecting Claim 1, the Examiner has relied upon a combination of elements alleged to be present in *Townsley* with elements alleged to be present in *Odaohara*. Applicant respectfully submits that Claim 1 is not rendered unpatentable by the combination of *Odaohara* and *Townsley*, because the Examiner has failed to articulate a *prima facie* case of obviousness. As is well settled in the law, a *prima facie* case of obviousness for rejecting claims under 35 U.S.C. § 103 requires, *inter alia*, a showing that the prior art teaches or shows all of the claim limitations. *M.P.E.P.* § 2142. In demonstrating that the prior art teaches or shows all of the claim limitations, as stated in *M.P.E.P.* § 2143.03, citing *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), the Examiner is required to observe that "all words in a claim must be considered in judging the patentability of a claim against the prior art" (*emphasis added*).

In the present Office Action, the Examiner fails to meet his burden of making a *prima facie* case, because, rather than analyzing the features as recited in the *words* of Applicant's *amended* claims, the Examiner has employed Applicant's former claims and then alleged that the cited art provides functionality described in the *former* claims. Additionally, Applicant respectfully traverses this rejection because the cited text of *Townsley* does not provide the functionality recited in Applicant's *amended* claims.

The Examiner alleges that *Townsley* shows "a charging device to charge at least one of the plurality of batteries with electric power supplied from the external power circuit" (Column 6, lines 10-57). Applicants have actually recited "an integrated charging device, coupled to the power output and to the one or more battery supply circuits, wherein the charging device is capable of selectively trickle charging or rapid charging the one or more batteries with the electric power supplied from the power output."

Upon review of the cited passage, Applicants respectfully traverse the Examiner's rejection, because the cited text does not teach or show the integrated charging device, coupled to the power output and to the one or more battery supply circuits, wherein the charging device is capable of selectively trickle charging or rapid charging the one or more batteries with the electric power supplied from the power output." *Townsley* does not explicitly disclose a charging circuit, leaving the Applicant or one skilled in the art to conclude that *Townsley*'s charging is performed by directly applying the *V_Batt* voltage from the AC adaptor 101 to the batteries 102 & 103, (*Townsley*, Figure 4). This teaches away from Applicant's solution of "an integrated charging device, coupled to the power output and to the one or more battery supply circuits" (Figure 3, Element 144).

The foregoing argument made with respect to Claim 1 is also believed to patentably distinguish similar Claims 13 and 20, and their respective dependent claims.

In summary, the Examiner's combination of *Townsley* and *Odaohara* fails to teach the invention recited in Applicants' Claim 1, or in similar Claims 13 and 20. The foregoing arguments made with respect to Claim 1, are also believed to apply to Claims 2-7, which depend

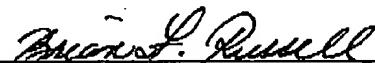
from and patentably distinguish Claim 1, Claims 14-29, which depend from and patentably distinguish Claim 13, Claims 21-6, which depend from and patentably distinguish Claim 20,

Further, with regard to dependent Claims 6, 18 and 25, *Townsley* does not teach or show "a switching unit coupled to the power output and to one or more of the battery power supply circuits, wherein the switching unit prevents a short circuit of the integrated charging device while the integrated charging device is charging one or more of the batteries." This feature is not shown in *Townsley*, which, as stated above, does not employ "an integrated charging device, coupled to the power output," and therefore does not address the problem of a short circuit in such a charging device.

It is respectfully submitted that the claims are in condition for allowance and favorable action is requested. No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation's Deposit Account Number 50-0563.**

Applicant respectfully requests the Examiner contact the undersigned attorney of record at (512) 472-7800 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



Brian F. Russell
Reg. No.: 40,796
BRACEWELL & PATTERSON, L.L.P.
P.O. Box 969
Austin, Texas 78767-0969
(512) 542-2100
ATTORNEY FOR APPLICANTS